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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ALBERTO AVILA-CARDENAS,

9 Petitioner,

10 v.

11 JERI BOE,

12 Respondent.

CASE NO. C19-1148-MJP-BAT

**ORDER GRANTING
PETITIONER'S MOTION FOR
EXTENSION IN PART**

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14 On November 22, 2019, respondent filed a response to petitioner's federal habeas writ
15 and the state court record; the matter was noted for December 20, 2019 as ready for the court's
consideration. Dkt. 12, 13.

16 On December 2, 2019, petitioner moved the court to extend to April 15, 2020, the time
17 for him to file a reply. The Court DENIES the four month extension. Respondent's argument that
18 petitioner failed to properly present his federal habeas claims to the highest state court relies
19 upon facts petitioner should be familiar with. Either petitioner presented his federal habeas
20 claims to the highest court or he did not. As petitioner litigated the matter in the state courts, he
should be aware of whether he properly presented his federal habeas claims.

21 Respondent agrees petitioner properly presented five grounds for relief. As these are
22 grounds petitioner has already argued in the state courts, the Court finds that an extension of 4
23 weeks is appropriate. The Court thus ORDERS:

1. Any reply to respondent's response that petitioner wishes to file must be filed no later than **January 24, 2020**.

2. The Clerk shall note this matter for **January 24, 2020** as ready for the Court's consideration.

3. The clerk shall provide a copy of this Order to Petitioner and to counsel for the Respondent.

DATED this 4th day of December, 2019.


BRIAN A. TSUCHIDA
United States Magistrate Judge